

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:11CR138 RAS
	§	
TRACEY ANDY TASBY (1)	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 18, 2015 to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Heather Rattan.

On June 13, 2013, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of 46 months imprisonment followed by a 5-year term of supervised release for the offense of Conspiracy to Distribute and Possess With Intent to Distribute 28 Grams or More of Cocaine Base, and/or Less Than 500 Grams of Cocaine, and/or Less Than 100 Grams of Heroin. Defendant began his term of supervision on December 5, 2014.

On May 5, 2015, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 79). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not leave the judicial district without permission of the Court or probation officer; (3) Defendant shall report to a probation officer and shall submit a truthful and complete written report within the first five days of each month; (4) Defendant shall answer

truthfully all inquiries by the probation officer and follow the instructions of the probation officer; and (5) Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

The Petition alleges that Defendant committed the following violations: (1) Defendant has been charged in Dallas, Texas, for Failure to Comply with Sex Offender Registration Requirements on or about April 23, 2015, in violation of the Texas Code of Criminal Procedures Section 62.102(b)(2), when he failed to notify the Dallas Police Department of his change of address seven days before he moved to a new address. Additionally, it is alleged the Defendant has committed the following offenses on or about April 8, 2015, in Waco, Texas for Assault in violation of Texas Penal Code Section 22.01(b)(2)(B), and Aggravated Robbery in violation of Texas Penal Code Section 29.03, by choking the victim to the point she became unconscious and then taking \$1,300 in cash, a green card with about \$50 cash on it, and an Android phone valued at \$100. Incident reports were filed on April 8, 2015, referencing Defendant as the suspect with the Waco, Texas Police Department; (2) Defendant traveled to Waco, Texas, without permission on or about April 8, 2015, as reported by the Waco Police Department Incident Report dated that same day. Additionally, Defendant traveled to Austin, Texas, in February 2015, as he posted on his social media Facebook account. Defendant traveled to Las Vegas, Nevada, on or about April 30, 2015, as he posted on his social media Facebook account; (3) Defendant failed to submit a truthful and complete written report for the months of March and April 2015. Defendant failed to report vehicle information on these reports when it is reflected in the Incident Report from the Waco Police Department dated April 8, 2015, that Defendant owns or operates a Mercedes Benz, a BMW, a Charger, an “old beat up car.” Additionally, the Mercedes Benz and Charger are posted on his social media Facebook account;

(4) Defendant reported new employment during an office contact on March 17, 2015, with NRX Logistics. Additionally, he provided more detailed information regarding this employment during an office contact on April 22, 2015. The information Defendant reported was found to be untruthful when it was learned from NRX Logistics that Defendant failed the background check on March 18, 2015, and was never employed by the company; and (5) Defendant failed to report contact with law enforcement within the 72 hour requirement. Defendant reported contact with law enforcement on April 20, 2015, on his written monthly report dated and received on May 2, 2015. The written report reflects speeding as the reason for the contact but provides no other details.

At the hearing, Defendant entered a plea of true to allegations 2, 3, 4 and 5. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the June 18, 2015 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of fourteen (14) months, with sixty (60) months supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in FCI Three Rivers, if appropriate.

**SIGNED this 13th day of July, 2015.**

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE